

1 NICOLA T. HANNA
2 United States Attorney
3 PATRICK R. FITZGERALD
4 Assistant United States Attorney
5 Chief, National Security Division
6 DAVID T. RYAN (Cal. Bar No. 295785)
7 GEORGE E. PENCE (Cal. Bar No. 257595)
8 Assistant United States Attorneys
9 Terrorism and Export Crimes Section
10 1500 United States Courthouse
11 312 North Spring Street
12 Los Angeles, California 90012
13 Telephone: (213) 894-4491/2253
14 Facsimile: (213) 894-2979
15 E-mail: david.ryan@usdoj.gov
16 george.pence@usdoj.gov

17 Attorneys for Plaintiff
18 United States of America

19 UNITED STATES DISTRICT COURT

20 FOR THE CENTRAL DISTRICT OF CALIFORNIA

21 UNITED STATES OF AMERICA,

22 No. CR 18-759-CJC

23 Plaintiff,

24 v.

25 ROBERT RUNDO,
26 ROBERT BOMAN,
27 AARON EASON, and
28 TYLER LAUBE,

GOVERNMENT'S UNOPPOSED *EX PARTE*
APPLICATION FOR EXTENSION OF TIME
TO RESPOND TO MOTION TO DISMISS;
DECLARATION OF DAVID RYAN

Defendants.

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Central District of California and Assistant United States Attorneys David T. Ryan and George E. Pence, hereby submits this unopposed *ex parte* application to (1) extend the deadline for the government's opposition to the motion to dismiss to May 6, 2019; (2) extend the deadline for defendants' reply in support of the motion to dismiss to May 20,

1 2019; and (3) continue the hearing on the motion to dismiss to
2 June 3, 2019.

3 The ex parte application is based upon the attached Declaration
4 of David Ryan and the files and records in this case.

5 Dated: May 2, 2019 Respectfully submitted,

NICOLA T. HANNA
United States Attorney

PATRICK R. FITZGERALD
Assistant United States Attorney
Chief, National Security Division

/s/
DAVID T. RYAN
GEORGE E. PENCE
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

DECLARATION OF DAVID RYAN

I, David Ryan, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Central District of California. I am one of the attorneys representing the government in this matter, which includes the filing of this ex parte application.

2. On April 22, 2019, defendants filed a motion to dismiss the Indictment in this case. The motion to dismiss raises several complex issues of constitutional law.

10 3. On May 1, 2019, I learned that the government had
11 inadvertently mis-calendered the due date for its opposition to the
12 motion to dismiss as May 6, 2019, 14 days after the filing of the
13 motion, rather than April 29, 2019, seven days after the filing of
14 the motion. The government apologizes for this mistake and regrets
15 any resulting inconvenience to the Court.

16 4. Upon discovering this calendaring error, undersigned
17 counsel notified their supervisor, Assistant United States Attorney
18 Christopher D. Grigg, Chief of the Terrorism and Export Crimes
19 Section, who requested, and to whom we have now provided, a copy of
20 the Court's scheduling order and who has indicated he will
21 personally monitor compliance with all deadlines in this case going
22 forward.

23 5. In light of the government's calendaring error, as well as
24 the complex legal issues raised in the motion to dismiss, the
25 government requests an extension of time to May 6, 2019 to file an
26 opposition. The government further proposes that defendants be
27 given until May 20, 2019 to file their reply in support of the

1 motion, and that the hearing on the motion be continued to June 3,
2 2019.

3 6. On May 1, 2019, I contacted defense counsel, who informed
4 me that they do not oppose this application or the proposed briefing
5 schedule and hearing date set forth above.

6 7. On May 2, 2019, the Court's chambers confirmed that the
7 Court is available to hear the motion at 2:00 p.m. on June 3, 2019.

8 I declare under penalty of perjury that the foregoing is true
9 and correct to the best of my knowledge and belief.

10 Date: May 2, 2019

/s/ David Ryan
David Ryan
Assistant United States Attorney